IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE NINTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 2072 of 2005

Between:

Ch. S. V. Prasad Rao, S/o.CH.Suryanarayana,
R/o6B-5-9, Southern Street
Opp:Indo English School, Eluru, West Godavari District.

..... PETITIONER

AND

1. The Food Corporation of India, rep.by its Zonal Manager South Zone, Haddows Road, Chennai-6.
2. Senior Regional Manager, The Food Corporation of India,

A.P. Region, HACA Bhavan, Saifabad, Hyderabad.
3. The District Manager, office of The Food Corporation of India,

Station Road, Tadepalligudem, West Godavari District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order direction or writ particularly one in the nature of *Writ of Mandamus* or any other appropriate writ declaring the order of the senior Regional Manager/Disciplinary Authority order No.Vig 4 (52)/2003 dated 24.12.2004 as illegal, arbitrary and violation of the principles of natural justice and consequently direct the respondents not to make any recovery from the salary or the retirement benefits of the petitioner and pass such other order or orders as the Hon'ble court deems fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.G.VIDYASAGAR

Counsel for the Respondents: MR.B.ANJANEYULU

The Court made the following:

ORDER:

At the request of the learned counsel appearing on both sides, the main writ petition is taken up for hearing and disposal.

2. Questioning the order vide order No.Vig 4 (52)/2003, dated 24.12.2004 issued by the 2nd respondent, the present writ petition is filed.

3. It is brought to the notice of this Court by the learned Standing Counsel appearing for the respondents that as against the impugned order, statutory appeal lies to the first respondent within forty days from the date of receipt of the said order. The learned standing counsel also submitted that till the disposal of the appeal, they would not pursue the recovery of monthly instalments from the petitioner.

4. Therefore, without going into the merits of the case, as there is a statutory right of appeal lies against the impugned order, this Court is of the view that the petitioners can as well avail the said remedy by filing the appeal before the competent authority.

5. Accordingly, the writ petition is disposed of directing the petitioners to file statutory appeal before the competent authority, which shall be considered and disposed of by the appellate authority within three months from the date of filing of the appeal. In the mean while, the respondents are directed not to recover the monthly instalments from the petitioners in pursuance of the impugned proceedings. No costs.

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(K.C. BHANU, J)

Date: 09.02.2005

Ksn

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Zonal Manager, Food Corporation of India,

South Zone, Haddows Road, Chennai-6.
2. The Senior Regional Manager, The Food Corporation of India,

A.P. Region, HACA Bhavan, Saifabad, Hyderabad.
3. The District Manager, Food Corporation of India,

Station Road, Tadepalligudem, West Godavari District.

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